



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

RQ-2

April 15, 2005

Bruce Neilson, Treasurer
Fairfax County Democratic Committee - Federal
7245 Arlington Boulevard
Falls Church, VA 22042

Response Due Date:
May 16, 2005

Identification Number: C00277541

Reference: October Quarterly Report (7/01/04 – 9/30/04)

Dear Mr. Neilson:

This letter is prompted by the Commission's preliminary review of the report(s) referenced above. This notice requests information essential to full public disclosure of your federal election campaign finances. **An adequate response must be received at the Commission by the response date noted above.** An itemization of the information needed follows:

-Your report discloses an apparent refund of a contribution received by your committee from a federal candidate totaling \$-3,000.00 on Schedule A supporting Line 16 of the Detailed Summary Page. If the contribution given to your committee was not deposited within 10 days of the Treasurer's receipt, then it can be returned without being itemized as a receipt or contribution as specified in 11 CFR §103.3(a). However, if the contribution was deposited, your committee should only disclose the refund on Schedule B supporting Line 28(c) of the Detailed Summary Page. Please amend your report to clarify this activity. 2 USC §434(b)

-Schedule E of your report indicates that your committee may have failed to timely file one or more of the required 48 hour notices for independent expenditures (see attached). A political committee must file a 48 hour report with the Federal Election Commission as specified in 11 CFR §104.4(b), within 48 hours of any independent expenditures aggregating \$10,000 or more with respect to a given election, made any time during the calendar year up to and including the 20th day before an election. The notice must be received by the Commission by 11:59 p.m. on the second day following the date on which independent expenditures that aggregate \$10,000 or more are publicly distributed or disseminated. These expenditures must then be fully itemized on Schedule E, or as memo entries

25038781327

FAIRFAX COUNTY DEMOCRATIC COMMITTEE - FEDERAL

Page 2

on Schedule E and reflected on Schedule D if distributed or disseminated prior to payment, of the next report required to be filed by the committee. Although the Commission may take further action concerning this matter, your prompt response will be taken into consideration. 11 CFR §104.3(b)

-Your report does not disclose any payments for salary or wages on Schedule B supporting Line 30(b) of the Detailed Summary Page. 11 CFR §100.24 defines as Federal Election Activity, services provided by an employee of a State, district or local party committee who spends more than 25 percent of their time during that month on activities in connection with a Federal election. You are advised that payments for salaries and wages for employees who spend more than 25 percent of their compensated time in a given month on Federal Election Activity or activities in connection with a Federal election must be made with Federal funds only. Please provide clarification regarding the lack of payments for salary and wages disclosed by your committee.

-Schedule B supporting Line 21(b) of your report discloses payments totaling \$10,980.93 for "bulk mail services," "mailing services," "newspaper advertisement," "postage," and "printing." Expenditures and disbursements for public communications (as defined under 11 CFR §100.26) that refer to a clearly identified candidate for Federal office and that promote, support, attack or oppose any candidate for Federal office, meet the definition of Federal Election Activity under 11 CFR §100.24 and should be disclosed on Schedule B for Line 30(b) along with the identity of the candidate(s).

Futher, public communications that meet the definition of Federal Election Activity and that also contain express advocacy as defined under 11 CFR §100.22, but do not meet the conditions of exempt activity, would constitute an in-kind contribution, an independent expenditure or a coordinated party expenditure and should be properly disclosed on a Schedule B, E or F supporting Lines 23, 24 or 25, as appropriate, rather than on Schedule B for Line 30(b). Please amend your report to properly disclose this activity or provide clarifying information.

-Your report disclosed a category of financial activity that has been reflected on the wrong line of the Detailed Summary Page. Refunds of contributions to other political committees should be properly disclosed on a separate Schedule B, supporting Line 28(c) of the Detailed Summary Page. Please refer to the instructions for each line when determining the proper categorization(s) for your next filing.

25038781328

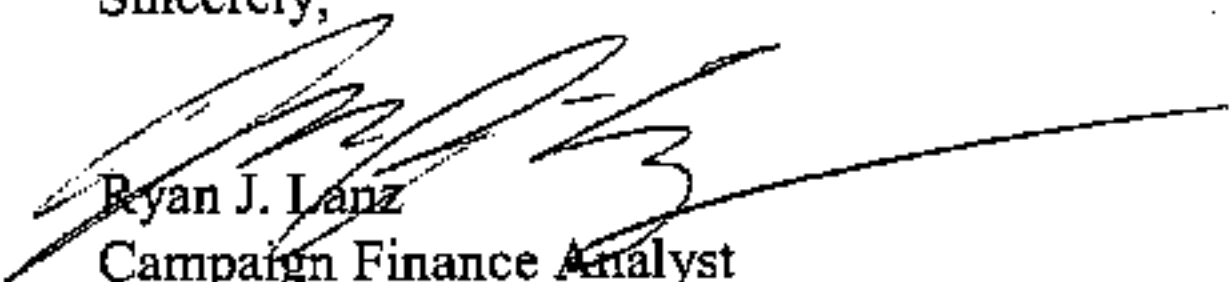
FAIRFAX COUNTY DEMOCRATIC COMMITTEE - FEDERAL

Page 3

Unlike previous election cycles, you will not receive an additional notice from the Commission on this matter. Adequate responses received on or before this date will be taken into consideration in determining whether audit action will be initiated. **Requests for extensions of time in which to respond will not be considered.** Failure to provide an adequate response by this date may result in an audit of the committee. Failure to comply with the provisions of the Act may also result in an enforcement action against the committee. Any response submitted by your committee will be placed on the public record and will be considered by the Commission prior to taking enforcement action.

Electronic filers must file amendments (to include statements, designations and reports) in an electronic format and must submit an amended report in its entirety, rather than just those portions of the report that are being amended. If you should have any questions regarding this matter or wish to verify the adequacy of your response, please contact me on our toll-free number (800) 424-9530 (at the prompt press 5 to reach the Reports Analysis Division) or my local number (202) 694-1399.

Sincerely,



Ryan J. Lanz
Campaign Finance Analyst
Reports Analysis Division

218

25038781329

FAIRFAX COUNTY DEMOCRATIC COMMITTEE - FEDERAL

Page 4

Name of Payee	Date	Amount	Purpose	Candidate
U.S. Postal Service	9/08/04	\$7,250.29	Postage	John F Kerry

25038781330

